

**BEST AVAILABLE COPY**  
THOMPSON & KNIGHT

**RECEIVED**  
CENTRAL FAX CENTER

001/011

**BEST AVAILABLE COPY**  
**THOMPSON & KNIGHT**

**NOV 07 2005**

AUSTIN  
(512) 469-6100 / FAX (512) 469-6180  
DIRECT DIAL: (214) 969-1749

L.L.P.  
ATTORNEYS AND COUNSELORS  
1700 PACIFIC AVENUE  
SUITE 3300  
DALLAS, TEXAS 75201  
(214) 969-1700  
IP FAX (214) 999-9024

FORT WORTH  
(817) 347-1700 / FAX (817) 347-1799  
HOUSTON  
(713) 654-8111 / FAX (713) 654-1871

**FACSIMILE COVER LETTER**

**TO:** The United States Patent and Trademark Office **PHONE NO.:**

**FROM:** James J. Murphy

**SUBJECT:** U.S. Application No. 10/792,095

**DATE:** November 7, 2005

**CLIENT/FILE #** 031432.0000247 **ATTY PHONE EXT.:** 1749

**FAX NO.:** (571) 273-8300 **NO. OF PAGES:** 11

**PRIVILEGED & CONFIDENTIAL**

**RECEIVED**  
OIPE/IAP

**NOV 09 2005**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE POSTAL SERVICE. THANK YOU.

NOV 07 2005

PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/792,095
	Filing Date	March 3, 2004
	First Named Inventor	John H. Bosshart
	Art Unit	3617
	Examiner Name	Frantz F. Jules
	Attorney Docket Number	031432.000247
Total Number of Pages In This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Thompson & Knight LLP		
Signature	<i>James J. Murphy</i>		
Printed name	James J. Murphy		
Date	11/03/05	Reg. No.	34,503

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Susan Turner</i>		
Typed or printed name	Susan Turner	Date	NOV. 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/80 (04-05)

Approved for use through 11/30/2005. OMB 0851-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:



Practitioners associated with the Customer Number:

26133

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:



The address associated with Customer Number:

26133

OR



Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

Assignee Name and Address: **BNSF RAILWAY COMPANY**  
**2650 Lou Menk Dr.**  
**Fort Worth, TX 76131**

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature	<i>Paul R. Hofferer</i>	Date	11-1-05
Name	<i>Paul R. Hofferer</i>	Telephone	817 352 2332
Title	<i>Vice President and General Counsel</i>		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: BNSF Railway CompanyApplication No./Patent No.: 10/792,095 Filed/Issue Date: March 3, 2004

Entitled:

BNSF Railway Company  
(Name of Assignee)Corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: John H. Besshart To: The Burlington Northern Santa Fe  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: The Burlington Northern Santa Fe Railway To: BNSF Railway Company  
The document was recorded in the United States Patent and Trademark Office at  
Reel 016369, Frame 0881, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James J. Murphy

Signature

11/03/05

Date

James J. Murphy

Printed or Typed Name

(214) 969-1749

Telephone Number

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 07 2005

DOCKET NO. 0945RF-42121  
Form PTO-1595

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

John H. Bosshart

2. Name and address of receiving party(ies):

The Burlington Northern Santa Fe  
Railway Company

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Assignment ☐ Change of Name  
☐ Other

Street Address: 2650 Lou Menk Drive  
City: Fort Worth State: Texas Zip: 76131

Execution Date: 7 JAN 2004 and 9 JULY 2004

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)  
10/792,095

B. Patent No.(s)

C. Attorney Docket No.  
0945RF-42121

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence  
concerning document should be mailed:

6. Total number of applications and patents involved: 1

Name: Melvin A. Hunn

Internal Address: HILL & HUNN LLP

201 Main Street, Suite 1440

Fort Worth, Texas 76102-3105

Street Address: HILL & HUNN LLP

201 Main Street, Suite 1440

City: Fort Worth State: Texas ZIP: 76102-3105

7. Total fee (37 CFR 1.21(h)).....\$ 80.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number:

50-1060

(Attach duplicate copy of this page if paying by  
deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy  
of the original document.*

Suzy Bradshaw

Name of Person Signing

Signature

15 JULY 2004

Date

Total number of pages including attachments: 3

**ASSIGNMENT**

WHEREAS, I, John H. Bosshart, having a correspondence address of 8624 Caddo Court, North Richland Hills, Texas 76180, have invented new and useful improvements in a

**HIGHWAY CROSSING FLANGEWAY LINER**

for which a U.S. provisional patent application has been filed, and for which application will be made for Letters Patent, said provisional application being identified as U.S. Provisional Application No. 60/451,592, filed 3 March 2003, titled "Highway Crossing Flangeway Liner," and being further identified as Attorney Docket No. 0945RF-42121.

WHEREAS, THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY, a corporation of the State of Delaware, having a correspondence address at 2650 Lou Menk Drive, Fort Worth, Texas 76131, is desirous of acquiring my entire right, title and interest in said invention, application, and any Letters Patent which may issue thereon.

NOW THEREFORE, be it known by all whom it may concern that for and in consideration of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and other good and valuable consideration, I hereby assign to said corporation for the territory of the United States of America and the entire world my entire right, title and interest in and to said invention, provisional patent application, and patent, including any provisional, non-provisional, design, continuation, continuation-in-part, divisional, reexamination, and reissue applications, and any patents that may issue thereon, including all priority rights for patent applications foreign to the United States of America.

I HEREBY covenant and agree that I will at any time, upon the request and at the expense of said corporation, execute and deliver any and all papers and do all lawful acts that may be necessary or desirable to perfect the title to said invention, applications, and patents, and I authorize the Commissioner of Patents and Trademarks to issue Letters Patent to said corporation.

IN TESTIMONY WHEREOF, I execute this Assignment on the date set forth below.

11/7/04  
Date

  
John H. Bosshart

RightFax

8/10/05 7:00

PAGE 001/005

Fax Server

## Facsimile Transmission

Thompson &amp; Knight LLP

*This company uses RightFAX® fax  
server software from RightFAX, Inc.*

AUG 10 2005

DOCKETED

**From:** Name: USPTO ASSIGNMENT DIVISION  
Fax Number:  
Voice Phone: 703-308-9723

**To:** Name: RICHARD L. WYNNE  
Company: 1700 PACIFIC AVENUE  
Fax Number: 12149991665  
Voice Phone:

### Fax Notes:

---

Pg#	Description
1	Cover Page
2	85.TXT
4	Document 1, Batch 509740

PTAS FAX PROCESSING

---

Date and time of transmission: Wednesday, August 10, 2005 7:00:46 AM  
Number of pages including this cover sheet: 05

*A RightFAX® Communicated Document*

RightFax

10/05 7:00 PAGE 002/005 Fax Server



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

AUGUST 09, 2005

PTAS

\*500044161A\*

\*500044161A\*

RICHARD L. WYNNE  
1700 PACIFIC AVENUE  
SUITE 3300  
DALLAS, TX 75201-4693

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 08/09/2005

REEL/FRAME: 016369/0881  
NUMBER OF PAGES: 7

BRIEF: CHANGE OF NAME (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

THE BURLINGTON NORTHERN AND SANTA  
FE RAILWAY COMPANY

DOC DATE: 01/17/2005

## ASSIGNEE:

BNSF RAILWAY COMPANY  
2650 LOU MENK DRIVE  
FORT WORTH, TEXAS 76131

SERIAL NUMBER: 10792095

FILING DATE: 03/03/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: RAILROAD CROSSING FLANGEWAY LINER

SERIAL NUMBER: 09804103

FILING DATE: 03/12/2001

PATENT NUMBER: 6494146

ISSUE DATE: 12/17/2002

TITLE: FLATBED RAILCAR WITH A CENTER SUPPORT PARTITION

RightFax

11/05 7:00 PAGE 003/005 Fax Server

016369/0881 PAGE 2

SERIAL NUMBER: 09947844  
PATENT NUMBER: 6651353  
TITLE: RAIL ALIGNMENT TOOL

FILING DATE: 09/06/2001  
ISSUE DATE: 11/25/2003

SERIAL NUMBER: 08126038  
PATENT NUMBER: 5382066  
TITLE: MECHANISM FOR LIFTING FREIGHT CONTAINERS

FILING DATE: 09/23/1993  
ISSUE DATE: 01/17/1995

SERIAL NUMBER: 09912831  
PATENT NUMBER: 6758147  
TITLE: BALLAST DISCHARGE SYSTEM

FILING DATE: 07/25/2001  
ISSUE DATE: 07/06/2004

LENELL MACKALL, SUPERVISOR  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

RightFax

11/05 7:00 PAGE 004/005 Fax Server

## PATENT ASSIGNMENT

Electronic Version v1.1  
Stylesheet Version v1.108/09/2005  
500044161

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	CHANGE OF NAME
EFFECTIVE DATE:	01/20/2005
CONVEYING PARTY DATA	
Name	Execution Date
The Burlington Northern and Santa Fe Railway Company	01/17/2005
RECEIVING PARTY DATA	
Name:	BNSF Railway Company
Street Address:	2850 Lou Menk Drive
City:	Fort Worth
State/Country:	TEXAS
Postal Code:	76131
PROPERTY NUMBERS Total: 5	
Property Type	Number
Application Number:	10782086
Patent Number:	6494146
Patent Number:	6661353
Patent Number:	5382066
Patent Number:	6758147
CORRESPONDENCE DATA	
Fax Number:	(214)999-1666
<i>Correspondence will be sent via US Mail when the fax attempt is unsuccessful.</i>	
Email:	susan.turner@tdkew.com
Correspondent Name:	Richard L. Wynne
Address Line 1:	1700 Pacific Avenue
Address Line 2:	Suite 3300
Address Line 4:	Dallas, TEXAS 75201-4693
NAME OF SUBMITTER:	Richard L. Wynne

CH \$200.00 10/20/05

RightFax

11/10/05 7:00

PAGE 005/005

Fax Server

Total Attachments: 5

source=BNSF Assignment Docs#page1.tif

source=BNSF Assignment Docs#page2.tif

source=BNSF Assignment Docs#page3.tif

source=BNSF Assignment Docs#page4.tif

source=BNSF Assignment Docs#page5.tif

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**